

PUBLIC RECORDS DISCLOSURE: REVIEW OF IMPACT OF DOMESTIC SECURITY EXEMPTIONS

PROPOSED SCOPE AND OBJECTIVES

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STATE OF WASHINGTON
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMITTEE

STUDY TEAM

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MANDATE

In the 2002 Legislative Session, SSB 6439 (Chapter 335, Laws of 2002) established exemptions from public disclosure for records related to preventing terrorist acts and for information related to the infrastructure and security of computer and telecommunication networks. JLARC is to review the impact of these exemptions on agency performance in responding to requests for public records under public disclosure.

BACKGROUND

SSB 6439 added or amended "from public inspection and copying" (RCW 42.17.310) the following exemptions:

- Portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts.
- Deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.
- Records not subject to public disclosure under federal laws that are shared by federal or international agencies.
- Information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.
- Information regarding the infrastructure and security of computer and telecommunications networks.

In addition to the exemptions, the bill included definitions of "criminal terrorist act" and "information regarding computer and telecommunications networks".

STUDY SCOPE

As specified by SSB 6439, JLARC is to:

- Review the effect of the bill on state agency performance in responding to requests for disclosure of records.
- Conduct the review by selecting a representative sample of requests, and agency's response to the requests, from up to five state agencies.

STUDY OBJECTIVES

JLARC will determine the effect on agency performance by analyzing the number of requests denied based on the criteria added by SSB 6439. This will be compared to the total number of requests and the total number of denials. We will also provide information on how the selected agencies track requests and denials.

TIMEFRAME FOR THE STUDY

Report to JLARC in June 2004.

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